From: Neil Kohl
To: Microsoft ATR
Date: 1/28/02 5:05pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing in opposition to the Proposed Final Judgment (PFJ) in the case of United States v. Microsoft. I am a programmer with over 20 years experience, and I currently work as a web site administrator for a large medical association.

I agree wholeheartedly with the Open Letter created by Dan Kegel and signed by over 2000 people (http://www.kegel.com/remedy/letter.html). I would like to single out two points which deserve special attention.

As stated in the Findings of Fact, Microsoft enjoys a monopoly in the operating systems market (section 33-44). According to the Court of Appeals ruling, "a remedies decree in an antitrust case must seek to 'unfetter a market from anticompetitive conduct', to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future" (section V.D., p. 99).

First, to meet these standards the Windows API - almost all of them, not just "Microsoft Middleware" as narrowly defined in the PFJ - must be completely open and documented in such a manner that third-party developers can create an environment that can run Windows applications. An example of such an environment is the WINE (WINdows Emulator) middleware that is available for the Linux operating system.

Second, the enforcement mechanism must be nimble. The original suit which led to the PFJ was filed in 1995. Since then, Microsoft has released three new versions of the operating system (Windows 98, ME, XP) and is positioning itself to be the middleman in Internet transactions via the .Net initiative. If the courts are used as an enforcement mechanism then Microsoft is guaranteed several more years without serious competition in the operating systems market.

Best regards,

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